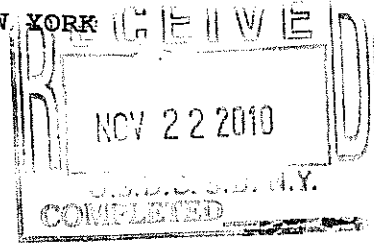


JUDGE SWEET

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

\_\_\_\_\_  
HARTFORD FIRE INSURANCE CO. a/s/o  
HOUSE OF SPICES (INDIA), INC.

Plaintiff,

v.

KOREAN CARGO CONSOLIDATORS (USA), INC.,  
KCC TRANSPORT SYSTEMS, INC.,  
TS CHINA V. 913N, her engines,  
boilers, etc., MSC MEDITERRANEAN  
SHIPPING CO., SA, MEDITERRANEAN  
SHIPPING CO., USA, INC., M/V TEXAS  
R945A, her engines, boilers, etc.,  
BUCHA EXPORT CO., LTD., AMERICAN CARGO:  
EXPRESS, INC. and XYZ Corp.

Defendants.  
\_\_\_\_\_

Civil Action No.

## COMPLAINT

The plaintiff, HARTFORD FIRE INSURANCE CO. a/s/o HOUSE OF SPICES (INDIA), INC., complaining of the above named defendants, alleges upon information and belief:

JURISDICTION

1. This action seeks recovery of a claim for damaged freight in transit, which is cognizable as an admiralty or maritime claim within the meaning of Rule 9(h) of the Federal Rules of Civil Procedure, and jurisdiction is otherwise found by virtue of 28 U.S.C. § 1331(Federal Question), 46 U.S.C. § 30701 et seq. (COGSA), and/or 49 U.S.C. § 14706 (Carmack Amendment).

PARTIES

2. At and during all time hereinafter mentioned, plaintiff had and now has the legal status and principal offices and place of

business now stated in Schedule A annexed by this reference and made a part hereof.

First Count

3. Plaintiff repeats and realleges each and every allegation of paragraphs 1 through 3 as if fully set forth herein.

4. On or about **December 4, 2009**, pursuant to a contract of bailment, freight, forwarding and carriage, entered into with the plaintiff, the defendants and each of them, received certain merchandise owned by the plaintiff, under defendants, **Korean Cargo Consolidators (USA), Inc.s**, Bill of Lading No. **KLBK09110179F** and **Mediterranean Shipping Co., SA's** Bill of Lading **MSCUSX956705**, as more fully described in Schedule A hereto.

5. The defendants and each of them breached their contract of bailment, freight forwarding and carriage, and as a result of which, plaintiff's merchandise was greatly depreciated in value and plaintiff lost the use of same, for which it claims damages.

WHEREFORE, plaintiff, HARTFORD FIRE INSURANCE CO. a/s/o HOUSE OF SPICES (INDIA), INC., demands judgment against the defendants, KOREAN CARGO CONSOLIDATORS (USA), INC., KCC TRANSPORT SYSTEMS, INC., TS CHINA V. 913N, her engines, boilers, etc., MSC MEDITERRANEAN SHIPPING CO., SA, MEDITERRANEAN SHIPPING CO., USA, INC., M/V TEXAS R945A, her engines, boilers, etc., BUCHA EXPORT CO., LTD., AMERICAN CARGO EXPRESS, INC. and XYZ Corp.

SECOND COUNT

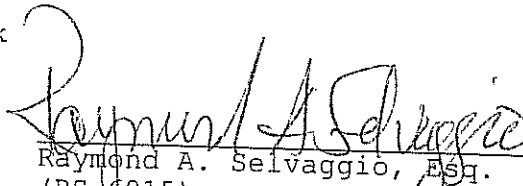
6. Plaintiff repeats and realleges each and every allegation of paragraphs 1 through 5 as if fully set forth herein.

7. On or about the date and time aforementioned, defendants and/or each of them, caused a shipment of **860 bags Lentil Beans** to be delivered to the plaintiff, HOUSE OF SPICES (INDIA), INC. in a damaged condition, as more fully described in Schedule A hereto.

8. The defendants and/or each of them were negligent and careless, thus causing the damages stated herein.

WHEREFORE, plaintiff, HARTFORD FIRE INSURANCE CO. a/s/o HOUSE OF SPICES (INDIA), INC., demands judgment against the defendants, KOREAN CARGO CONSOLIDATORS (USA), INC., KCC TRANSPORT SYSTEMS, INC., TS CHINA V. 913N, her engines, boilers, etc., MSC MEDITERRANEAN SHIPPING CO., SA, MEDITERRANEAN SHIPPING CO., USA, INC., M/V TEXAS R945A, her engines, boilers, etc., BUCHA EXPORT CO., LTD., AMERICAN CARGO EXPRESS, INC. and XYZ Corp.

Dated:           Huntington, New York  
                  November 16, 2010

  
Raymond A. Selvaggio, Esq.  
(RS-6015)

PEZOLD SMITH HIRSCHMANN & SELVAGGIO, LLC  
120 Main Street  
Huntington, New York 11743  
(631) 427-0100

*Attorneys for Plaintiff*

SCHEDULE A

Plaintiff: legal status and place of business:

HARTFORD FIRE INSURANCE COMPANY  
Box 14265  
Lexington, Kentucky 40512

House of Spices (India), Inc.  
127-40 Willets Point Boulevard  
Flushing, New York 11368

Defendants: legal status and place of business:

KOREAN CARGO CONSOLIDATORS (USA) INC.  
335 E. ARTESIA BLVD.  
COMPTON CA 90220

KCC TRANSPORT SYSTEMS INC.  
311 W. ARTESIA BLVD.  
COMPTON CA 90220

MEDITERRANEAN SHIPPING COMPANY (USA), INC.  
420 5<sup>th</sup> Avenue (at 37<sup>th</sup> Street) – 8<sup>th</sup> Floor  
New York, N.Y. 10018-2702

MSC MEDITERRANEAN SHIPPING COMPANY, S.A.  
c/o Mediterranean Shipping Company (USA) Inc.  
420 5<sup>th</sup> Avenue (at 37<sup>th</sup> Street) – 8<sup>th</sup> Floor  
New York, New York 10018-2702

BUCHA EXPORT CO., LTD.  
16/86 Klongtoey Flats  
3<sup>rd</sup> Floor  
Phakanong – 10110 Thailand

AMERICAN CARGO EXPRESS, INC.  
545 Dowd Ave  
Elizabeth, NJ 07201

XYZ CORP.

Date of Shipment/  
Bill of Lading:

Korean Cargo Consolidators (USA), Inc. B/L KLBK09110179F, dated 11/1/09  
MSC Mediterranean Shipping Co., SA B/L MSCUSX956705  
Vessel/Voyage : TS CHINA V. 913N / M/V TEXAS R945A  
D/L: 12/4/2009

Port of Loading: Bangkok, Thailand

Port of Discharge: Long Beach, CA

Place of Delivery: Houston, Texas

Shippers: Bucha Export Co., Ltd.

Consignee: To Order

Description of Shipment: 860 bags Lentil Beans

Nature of Loss: Damaged